Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 46

SENATE BILL 1370

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3219; AMENDING SECTIONS 36-2601, 36-2604 AND 36-2606, ARIZONA REVISED STATUTES; REPEALING SECTION 36-2611, ARIZONA REVISED STATUTES; RELATING TO THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes, is amended by adding section 32-3219, to read:

32-3219. Licensure; renewal; notification; definitions

A. A MEDICAL PRACTITIONER REGULATORY BOARD SHALL NOTIFY THE ARIZONA STATE BOARD OF PHARMACY ONCE EACH MONTH OF ANY INITIAL LICENSURES FOR MEDICAL PRACTITIONERS WHO INTEND TO APPLY FOR REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) AND LICENSURE RENEWALS FOR MEDICAL PRACTITIONERS WHO HOLD ACTIVE LICENSES IN THIS STATE FOR THE PURPOSE OF REGISTERING THE MEDICAL PRACTITIONER AND PROVIDING THE PERSON ACCESS TO THE CONTROLLED SUBSTANCES PRESCRIPTION MONITORING PROGRAM DATABASE. THE MEDICAL PRACTITIONER REGULATORY BOARD SHALL PROVIDE TO THE ARIZONA STATE BOARD OF PHARMACY ANY INFORMATION NECESSARY TO REGISTER AND PROVIDE ACCESS TO THE MEDICAL PRACTITIONER. THE MEDICAL PRACTITIONER REGULATORY BOARD SHALL NOTIFY EACH MEDICAL PRACTITIONER RECEIVING AN INITIAL LICENSE WHO INTENDS TO APPLY FOR REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) OF THE PERSON'S RESPONSIBILITY TO REGISTER WITH THE ARIZONA STATE BOARD OF PHARMACY AND BE GRANTED ACCESS TO THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM.

B. FOR THE PURPOSES OF THIS SECTION:

1. "MEDICAL PRACTITIONER" MEANS ANY PERSON WHO IS LICENSED AND AUTHORIZED BY LAW TO USE AND PRESCRIBE DRUGS AND DEVICES FOR THE TREATMENT OF SICK AND INJURED HUMAN BEINGS OR FOR THE DIAGNOSIS OR PREVENTION OF SICKNESS IN HUMAN BEINGS IN THIS STATE OR ANY STATE, TERRITORY OR DISTRICT OF THE UNITED STATES AND WHO POSSESSES AN ARIZONA REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904).

2. "MEDICAL PRACTITIONER REGULATORY BOARD" MEANS ANY BOARD ESTABLISHED PURSUANT TO TITLE 32, CHAPTER 7, 11, 13, 14, 15, 16, 17, 25 OR 29 THAT REGULATES ONE OR MORE MEDICAL PRACTITIONERS IN THIS STATE.

Sec. 2. Section 36-2601, Arizona Revised Statutes, is amended to read:

36-2601. Definitions

In this article, unless the context otherwise requires:

1. "Board" means the Arizona state board of pharmacy or its designee.

2. "Dispenser" means a medical practitioner or pharmacy that is authorized to dispense controlled substances.

3. "Licensed health care provider" means a person who is licensed pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, 19.1, ~~21,~~ 25, 29 or 33.

4. "Medical practitioner" ~~has the same meaning prescribed in section 32-1901~~ MEANS ANY PERSON WHO IS LICENSED AND AUTHORIZED BY LAW TO USE AND PRESCRIBE DRUGS AND DEVICES FOR THE TREATMENT OF SICK AND INJURED HUMAN BEINGS OR FOR THE DIAGNOSIS OR PREVENTION OF SICKNESS IN HUMAN BEINGS IN THIS STATE OR ANY STATE, TERRITORY OR DISTRICT OF THE UNITED STATES.

5. "Person" means an individual, partnership, corporation or association and the person's duly authorized agents.

6. "Program" means the controlled substances prescription monitoring program.

Sec. 3. Section 36-2604, Arizona Revised Statutes, is amended to read:

36-2604. Use and release of confidential information; definition

A. Except as otherwise provided in this section, prescription information submitted to the board pursuant to this article is confidential and is not subject to public inspection. The board shall establish procedures to ensure the privacy and confidentiality of patients and that patient information that is collected, recorded and transmitted pursuant to this article is not disclosed except as prescribed in this section.

B. The board or its designee shall review the prescription information collected pursuant to this article. If the board or its designee has reason to believe an act of unprofessional or illegal conduct has occurred, the board or its designee shall notify the appropriate professional licensing board or law enforcement or criminal justice agency and provide the prescription information required for an investigation.

C. The board may release data collected by the program to the following:

1. A person who is authorized to prescribe or dispense a controlled substance, or a delegate who is authorized by the prescriber or dispenser, to assist that person to provide medical or pharmaceutical care to a patient or to evaluate a patient.

2. An individual who requests the individual's own prescription monitoring information pursuant to section 12-2293.

3. A ~~professional licensing~~ MEDICAL PRACTITIONER REGULATORY board established pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, 18, ~~21,~~ 25 or 29. Except as required pursuant to subsection B of this section, the board shall provide this information only if the requesting board states in writing that the information is necessary for an open investigation or complaint.

4. A local, state or federal law enforcement or criminal justice agency. Except as required pursuant to subsection B of this section, the board shall provide this information only if the requesting agency states in writing that the information is necessary for an open investigation or complaint.

5. The Arizona health care cost containment system administration regarding persons who are receiving services pursuant to chapter 29 of this title. Except as required pursuant to subsection B of this section, the board shall provide this information only if the administration states in writing that the information is necessary for an open investigation or complaint.

6. A person who is serving a lawful order of a court of competent jurisdiction.

7. A person who is authorized to prescribe or dispense a controlled substance and who performs an evaluation on an individual pursuant to section 23-1026.

8. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER WHO IS DIRECTING AN INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING A DEATH AS DESCRIBED IN SECTION 11-593 OR A DELEGATE WHO IS AUTHORIZED BY THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER.

D. The board may provide data to public or private entities for statistical, research or educational purposes after removing information that could be used to identify individual patients or persons who received prescriptions from dispensers.

E. For the purposes of this section, "delegate" means ANY OF THE FOLLOWING:

1. A licensed health care professional who is employed in the office of or in a hospital with the prescriber or dispenser. ~~or~~

2. An unlicensed medical records technician, medical assistant or office manager who is employed in the office of or in a hospital with the prescriber OR DISPENSER and who has received training regarding both the health insurance portability and accountability act privacy standards, 45 Code of Federal Regulations part 164, subpart E, and security standards, 45 Code of Federal Regulations part 164, subpart C.

3. A FORENSIC PATHOLOGIST, MEDICAL DEATH INVESTIGATOR OR OTHER QUALIFIED PERSON WHO IS ASSIGNED DUTIES IN CONNECTION WITH A DEATH INVESTIGATION PURSUANT TO SECTION 11-594.

Sec. 4. Section 36-2606, Arizona Revised Statutes, is amended to read:

36-2606. Registration; access; renewal; requirements

A. Beginning November 1, 2007 and pursuant to rules adopted by the board, each medical practitioner who is issued a license pursuant to title 32 and who possesses ~~a~~ AN ARIZONA registration under the ~~federal~~ controlled substances act (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) must have a current controlled substances prescription monitoring program registration issued by the board AND BE GRANTED ACCESS TO THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM. THE ARIZONA STATE BOARD OF PHARMACY, ON RECEIPT OF LICENSURE AND LICENSE RENEWAL CONFIRMATION FROM A MEDICAL PRACTITIONER REGULATORY BOARD ESTABLISHED PURSUANT TO TITLE 32, CHAPTER 7, 11, 13, 14, 15, 16, 17, 25 OR 29, SHALL REGISTER EACH MEDICAL PRACTITIONER WHO POSSESSES AN ARIZONA REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) AND PROVIDE THE MEDICAL PRACTITIONER ACCESS TO THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM. THE ARIZONA STATE BOARD OF PHARMACY SHALL NOTIFY EACH MEDICAL PRACTITIONER OF THE PERSON'S REGISTRATION AND ACCESS TO THE DATABASE TRACKING SYSTEM AND HOW TO USE THE SYSTEM. THE ARIZONA STATE BOARD OF PHARMACY SHALL NOTIFY EACH MEDICAL PRACTITIONER RECEIVING AN INITIAL LICENSE WHO INTENDS TO APPLY FOR REGISTRATION UNDER THE CONTROLLED SUBSTANCES ACT (21 UNITED STATES CODE SECTIONS 801 THROUGH 904) OF THE PERSON'S RESPONSIBILITY AND THE PROCESS TO REGISTER WITH THE ARIZONA

STATE BOARD OF PHARMACY AND BE GRANTED ACCESS TO THE PROGRAM'S CENTRAL DATABASE TRACKING SYSTEM.

B. The registration is:

1. UNTIL JANUARY 1, 2020, subject to biennial renewal as specified in this article, EXCEPT FOR MEDICAL PRACTITIONERS WHOSE REGISTRATION AND RENEWAL ARE PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION.

2. Not transferable or assignable.

3. Valid only in conjunction with a valid license issued by a ~~professional licensing~~ MEDICAL PRACTITIONER REGULATORY board established pursuant to title 32, chapter 7, 11, 13, 14, 15, 16, 17, ~~21,~~ 25 or 29.

~~B.~~ C. An applicant for registration pursuant to this section must submit an application as prescribed by the board UNLESS THE MEDICAL PRACTITIONER'S REGISTRATION AND RENEWAL ARE PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION.

~~C.~~ D. UNTIL JANUARY 1, 2020, the board shall assign all persons registered under this article to one of two registration renewal groups. The holder of a registration ending in an even number must renew the registration biennially on or before May 1 of the next even-numbered year. The holder of a registration ending in an odd number must renew the registration biennially on or before May 1 of the next odd-numbered year. The board shall automatically suspend the registration of any registrant who fails to renew the registration on or before May 1 of the year in which the renewal is due. The board shall vacate a suspension if the registrant submits a renewal application. A suspended registrant is prohibited from accessing information in the prescription monitoring program database tracking system. THIS SUBSECTION DOES NOT APPLY TO MEDICAL PRACTITIONERS WHOSE REGISTRATION AND RENEWAL ARE PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION.

~~D.~~ E. A registrant shall not apply for registration renewal more than sixty days before the expiration date of the registration.

~~E.~~ F. An applicant for registration renewal pursuant to this section must submit a renewal application prescribed by the board by rule UNLESS THE MEDICAL PRACTITIONER'S REGISTRATION AND RENEWAL ARE PROVIDED PURSUANT TO SUBSECTION A OF THIS SECTION.

~~F.~~ G. Pursuant to a fee prescribed by the board by rule, the board may issue a replacement registration to a registrant who requests a replacement because the original was damaged or destroyed, because of a change of name or for any other good cause as prescribed by the board.

Sec. 5. <u>Repeal</u>

Section 36-2611, Arizona Revised Statutes, is repealed.

Sec. 6. <u>Controlled substances prescription monitoring program; central database tracking system; utilization; report</u>

On or before July 1, 2016 and for two years following that date, the Arizona state board of pharmacy shall report the change in registration for and access to the controlled substances prescription monitoring program's central database tracking system. The report shall also include statistical

1 data regarding the change in utilization of the tracking system by the type
2 of licensed medical practitioner from January 1, 2016 to the date of the
3 report and any relevant information and data from the Arizona prescription
4 drug misuse and abuse initiative being conducted by the Arizona criminal
5 justice commission. The board shall deliver the report to the president of
6 the senate, the speaker of the house of representatives and the governor and
7 shall provide a copy to the secretary of state.
8 Sec. 7. Effective date
9 This act is effective from and after December 31, 2015.

APPROVED BY THE GOVERNOR MARCH 23, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2015.

Passed the House March 17, 2015,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Norma Chastain
Assistant Chief Clerk of the House

Passed the Senate February 23, 2015,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Susan Craves
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR
This Bill was received by the Governor this

18th day of March, 2015,

at 1:55 o'clock P. M.

Secretary to the Governor

Approved this 23rd day of

March, 2015,

at 11:25 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23rd day of March, 2015,

at 3:20 o'clock P. M.

Michele Reagan
Secretary of State

S.B. 1370